IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Jacob McGUIRE	§	Confirmation No.:		9954
		§			
Serial No.:	09/843,816	§	Group Art Unit:		2442
		§			
Filed:	04/30/2001	§	Examiner:	Benjamin A. Ailes	
		§			
For:	Interface For Automated	§	Docket No.:		200704487-1
	Deployment And	§			
	Management Of	§			
	Network Devices	§			

REPLY BRIEF

Mail Stop Appeal Brief – Patents   Date: November 18, 2009
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated October 1, 2009, Appellant submits this Reply Brief for further consideration by the Board.

I.   CLAIMS 1-4 AND 10-11

The Examiner makes two rebuttals. Each is addressed in turn.

A.   Merchant and Stewart do not teach all claim limitations

In the Appeal Brief, Appellant remarked that the combination of Merchant and Stewart does not teach or suggest "wherein at least one of said generic commands puts a device into its most privileged level through an established connection to the device," as required by claim 1. The Examiner argued in the Answer that Merchant teaches generic command messaging in paras. 0028 and 0044. The Examiner further argues that Stewart teaches enabling a user to achieve a "most privileged level" in col. 3, ll. 54-62.

Appellant respectfully disagrees. Merchant may allude to generic commands and Stewart may allude to privilege levels, there is no mention of a "most privileged level" or of the possibility that the network system would enable any particular user to access the "most privileged level" of a network resource, nor is such a possibility inherently taught. Further, the combination of references

still fails to teach or even suggest that a "generic command" puts a device into its most privileged level. Instead, Stewart only teaches that the access/privilege level to which a user is entitled access depends on the user's own privilege level. A user with a low privilege level is entitled to access only low-security level items, while a user with a higher privilege level is entitled to access higher-security level items. In neither case, however, is the use of "generic commands" taught for the purpose of achieving a most privileged level.

Although the Examiner has cited to the teaching of a generic command and the teaching of privilege levels, such broad, imprecise teachings are hardly sufficient to teach the claim limitation in question in its entirety.

Even if, *arguendo*, Stewart did teach placing a device into a most privileged level, the Examiner fails to explain how or why any of Merchant's "generic commands" would be used to place a device into its most privileged level. The Examiner has not explained why Merchant's generic commands would even be necessary to placing any of Merchant's device in a "most privileged level," nor has the Examiner explained why Merchant's devices need to be in a "most privileged level" at all, nor has the Examiner explained how the user privilege levels (described in Stewart, col. 3, ll. 54-62) – to which Stewart's device privilege levels are inextricably linked – would be integrated into Merchant's system, nor has the Examiner explained why the users should be integrated into Merchant's system.

Thus, the combination of Merchant and Stewart fails to render this claim obvious.

B. Attacking references individually

In the Appeal Brief, the Appellant stated that "...the Examiner aims to combine two references to render obvious a limitation that neither one of the references teaches alone." The Examiner argues that Appellant cannot show nonobviousness by attacking the references individually. Appellant appreciates this fact. The Examiner misunderstands the Appellant's statement. The Appellant's statement was not an argument by itself, as the Examiner appears to believe, but instead was an observation that forms the premise of the actual

argument, which is that there is no logical, reasonable basis for one to conclude that Stewart's teaching of different privilege levels would result in Merchant placing a device in a most privileged level. Appellant did not and does not seek to attack the references individually as the Examiner contends.

II.   CLAIMS 12-16

Claim 12 requires "said module converting a response received from said given device into a generic format for presentation to said library." The Examiner argues that paragraph 0045 of Merchant teaches this limitation. Appellant disagrees. Paragraph 0045 teaches that new devices are introduced which present device-specific modules. That paragraph also teaches that the device-specific modules are genericized so that other devices also may use them. This teaching has little or nothing to do with "**said** module" – i.e., according to claim 12, the module that corresponds to a "given device," where the "given device" receives commands and is remote from the modules, and where device-specific commands are transmitted from "said module" to "said given device." In other words, claim 12 refers not to any module, but a very specific "module" as that term is defined in the claim and which Merchant certainly does not even begin to teach. Further, the cited Merchant teaching has little or nothing to do with converting "a **response** received from **said given device**" into a generic format, as claimed. Merely genericizing modules, as taught by Merchant, is not as specific and narrow as this claim language. Not any item can be genericized to meet the claim limitation; a **response** from **said** given device must be genericized.

Finally, the conversion, as claimed, must be for "presentation to **said** library." Merchant does not appear to teach presentation to a library and, even if it did, Merchant's library does not meet the claimed definition of a library: a) one that is composed of generic commands that can be applied to network devices; and b) one with which a plurality of plug-in modules is registered, where "each of said modules operat[es] to convert at least some of said generic commands into device-specific commands."

Again, Appellant reiterates that the Examiner's reference to broad, imprecise teachings in the art cannot and do not render obvious such precise claim limitations. Appellant further remarks that if a claim term has been defined or limited in scope by another part of the claim, the Examiner must find prior art that meets these precise definitions. Stewart and Merchant fail to meet the claims' precise definitions.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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